155,

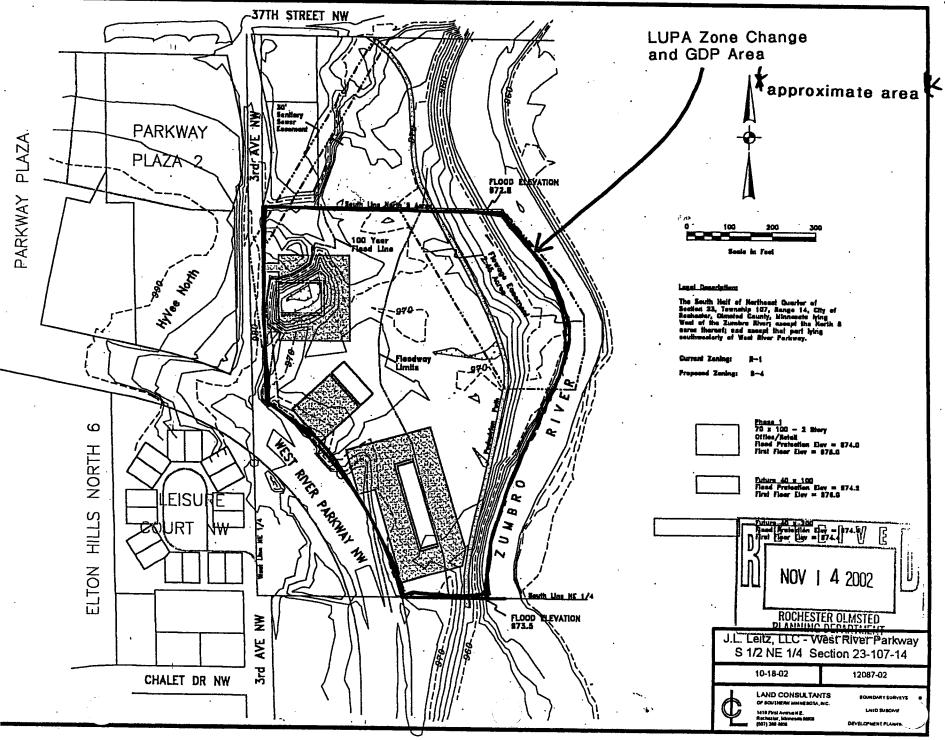
REQUEST FOR COUNCIL ACTION

MEETING

DATE: 2-19-03

PCENDA SECTION:	ORIGINATING DEPT:	ITEM NO.	
PUBLIC HEARINGS	PLANNING	E-1-	
1 Oblic Heating		$\mathcal{L}^{\tau} \mathcal{V}$	
ITEM DESCRIPTION: Zoning District Amendment #02-15	by Mark Leitzen to amend the	PREPARED BY:	
zoning from R-1 (Mixed Single Family) to the B	-4 (General Commercial) district	Mitzi A. Baker,	
on approximately 10.53 acres of land. The pro	perty is located east of HyVee,	Senior Planner	
north of West River Parkway, south of 37 th Stre	et NW and west of the Zumbio		
		, -	
February 13, 2003	a from previous LUPA	hearing.	
Please note that staff is not recommending in favor	of this petition.		
·			
City Planning and Zoning Commission Recommendation	<u>:</u>		
The City Planning and Zoning Commission held a public hear	•		
Burke moved to approve Zoning District Amendment #02-15 based on the fact that all of the adjacent properties are currently zoned B-4. Ms. Petersson seconded the motion. The motion carried 7-0, with Ms. Rivas voting nay.			
Planning Staff Recommendation:			
See attached staff report.			
Council Action Needed:			
The Council should direct the City Attorney to prepare findings of fact reflecting the Councils decision on this zone change.			
If the Council approves this zone change as petitioned, it should instruct the City Áttorney to prepare an ordinance that can be adopted supported by findings of fact and conclusions of law to amend the Zoning for the property.			
	,		
Distribution:			
1. City Clerk	•		
2. City Administrator			
City Attorney: Legal Description attached Planning Department File			
5. Applicant: This item will be considered sometime after 7:00 p.m. on Wednesday February 19, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.			
COUNCIL ACTION:			
ion By: Seconded By	/: Ac	tion:	
1011 51.			





157



2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744



www.olmstedcounty.com/planning



TO:

City Planning and Zoning Commission

FROM:

Mitzi A. Baker, Senior Planner

DATE:

December 5, 2002

RE:

Zoning District Amendment #02-15 by Mark Leitzen to amend the zoning from R-1 (Mixed Single Family) to the B-4 (General Commercial) district on approximately 10.53 acres of land. The property is located east of HyVee, north of West River Parkway, south of 37th Street NW and west of

the Zumbro River.

Planning Department Review:

Petitioner:

Mark Leitzen 309 60th Ave SW Rochester, MN 55902

Location of Property:

The property is located along the northeast side of West River Parkway, east of 3rd Ave NW and the

HyVee north store.

Requested Action:

The applicant is requesting a Land Use Plan

Amendment and Zoning District Amendment on this site to accommodate B-4 zoning. The GDP proposes

three potential building sites.

Existing Land Use:

The property is currently undeveloped.

Proposed Land Use:

The General Development Plan for this property proposes three building sites, one is labeled as office/retail. The other two are not labeled as far as use, but the applicant verbally identified those as

intended for office use.

Adjacent Land Use and

Zoning:

Property to the west of 3rd Ave. NW is the site of a HyVee grocery store. To the east is the Zumbro River. North of this property is a property zoned B-4, which is occupied by a steel sided building and the site is currently being used for seasonal sales of



Page 2 December 5, 2002

Christmas trees. To the south is a parcel of undeveloped property and the City park land. South west, across West River Parkway are townhomes and other residential development.

Transportation Access:

The GDP for this property proposes three access to the site, two from West River Parkway and one from 3rd Ave NW. Access will not be permitted at all locations shown on the GDP however. Access will be limited to one location from 3rd Ave., and an additional access may be permitted to West River Parkway, but will likely need to be a shared access at the south property line. Since West River Parkway is an Arterial roadway, the shared access may be required to provide adequate spacing, while providing access to two properties.

Wetlands:

There may be hydric soils in the Floodway district. Additional site investigation should be completed. The property owner is responsible for identifying Westlands on the property and submitting the information to the LGU.

Referral Comments:

See comments attached to GDP 195

Report Attachments:

1. Location Map

Analysis for Zoning District Amendment:

Under the provisions of Paragraph 60.338 of the Rochester Land Development Manual, the Commission shall recommend for approval and the Council shall approve, an application requesting an amendment to the zoning map if the amendment satisfies the following criteria:

- 1) The criteria of this subdivision apply to those amendments to the zoning map filed by formal petition. An amendment need only satisfy one of the following criteria:
 - a) The area, as presently zoned, is inconsistent with the policies and goals of the Comprehensive Plan;
 - b) The area was originally zoned erroneously due to a technical or administrative error;
 - c) While both the present and proposed zoning districts are consistent with the Plan, the proposed district better furthers the policies and goals of the Comprehensive Plan as found in Chapters 2 and 3 of the Rochester Urban Service Area Land Use Plan, Chapter 3 of the Housing Plan, and Chapter 10 of the ROCOG Long Range Transportation Plan; or
 - d) The area has changed or is changing to such a degree that it is in the public interest to rezone so as to encourage development or redevelopment of the area.

If Land Use Plan amendment #02-02 is approved, the current zoning of this property will be inconsistent with the Land Use Plan designation for this site. Staff has however, recommended denial of the Land Use Plan amendment.

- 2) The criteria of this subdivision also apply to those amendments to the zoning map filed by formal petition. However, an amendment must satisfy all of the following criteria:
 - a) the permitted uses allowed within the proposed zoning district will be appropriate on the subject property and compatible with adjacent properties and the neighborhood; and Although some limited uses allowed within the B-4 (General Commercial) zoning district could be appropriate for this property, there are numerous uses permitted in the B-4 district that would not be appropriate on this property. The intensity of development permitted in the B-4 district and the permitted hours of operation would not be appropriate on the subject property.
 - b) the proposed amendment does not involve spot zoning. (Spot Zoning involves the reclassification of a single lot or several small lots to a district which is different than that assigned to surrounding properties, for reasons inconsistent with the purposes set forth in this ordinance, the state enabling legislation, or the decisions of courts in this state).

Though the adjacent property to the west of 3rd Ave. NW and also the property to the north are currently zoned B-4, this property does not meet land use plan criteria which would support zoning this property B-4 (General Commercial).

Staff Recommendation:

Staff suggests that the findings do not support re-zoning this property to the B-4 (General Commercial) zoning district. A Land Use Plan Amendment and General Development Plan are also being considered at this time.

Attendance Roll

NEIGHBORHOOD MEETING

PROJECT:

DATE:

J.L. LEITZ, LLC PROPERTY TUESDAY, NOVEMBER 26, 2002

TIME:

7:30 P.M.

PLACE:

UNITY CHURCH - 11TH AVE. NW

ROCHESTER, MINNESOTA

NAME	ADDRESS	PHONE NO JFAX NO.
1 Vay Jean auson	3413 Leisine C+NW	282-5763
2. Pon Venbayer	3414 Lesoure CXNU	2891738
Trank Kerming	10	289-881c
4. Stening	3465 (RISTER CT-NA	282-2194
6. Ed Broke	3329 CEISLE ET N.W	7325896
7. DALO LICHTOR	3402 Leisure CTNW	288-3978 289.2951
8. Bob Bruesewitz	3336 GESELLE LN. NW	282-1763
9. Bruce Christenson	3419 Lesur Ct NCO	292 -2699
10. STEVE HuybER	3420 he15 ALE Cd.	288-3246
11. O'Lecelle	411 Cholet Du Ne	289 9176
12. Tom allen	6851 FCN EP.MN	612-368-2298
13. Mary Cathler Krup	3410 Leisure C+NW 3333 Leisure C+NE	289-8851
14. Kod Walters	3333 Leisure Ct No	282-3938

NAME	ADDRESS	PHONE NO./FAX NO.
15. Dave Senjem	2423 12 AMENW 295 37 KM SF NW 422 Chalot Or, NW	282-7648
15. Dave Senjem 16. Bob Ludwig	295 37 KM SK.NW	289-5911
17. Stew McNaughton	422 Chalot Or, NW	529-5657
18.		
19.		
20.		
21.		<i>/*</i>
22.		•
23.		
24.	·	
25.	•	
26.		
27.		
28.		
29.		
30.		
31.		
32.	-	·
33:		
34.		

Sy

MINUTES OF NEIGHBORHOOD MEETING

November 27, 2002

Gary Leitzen opened meeting at 7:33 PM by introducing himself and Mark.

Began the meeting by providing information where the project is located, who the owners are, and what the current plans are for developing the project.

Gary told the audience he is requesting a zone change to B4. The current plans include a commercial development, (not an apartment, heavy industrial or heavy construction). The site will include plenty of ample parking space. They have no tenant currently in mind and have not been contacted or contacted anyone regarding leasing the building/buildings.

Neighbors were told there would be not an adult bookstore or dance hall constructed on the site.

With the waterways and floodway there will be some building site restrictions. But there will be a lot of green space, which includes trees used as buffers.

Does the trail stay?	, <u>.</u>	YES

Will you keep the trees for visual barriers?	YES
WILL YOU KEED THE LIEES TOT VISUAL DATFICES.	1,11,1

Will the elevation be changed?	The elevation will be
will the elevation be changed?	THE CICASITOR AITH DA

raised in the building site. The floodway elevation will not be changed.

Where does access come in? 3rdAve.

Will this project create a traffic flow problem? Will be addressed with the City.

What work has already been done on the site? Clearing trees.

How much fill will be needed?

Amount is unknown.

Fill will be engineered and compacted as necessary.

What about the concrete there now? Will be removed and

cleaned up.

Has there been any soil testing done yet? No.

How many acres? Ten acres

How many stories will the buildings be? Possibly two.

Do you plan to re-zone and then sell?

Will the city have to widen the road? Will be addressed with the city.

Sewer & Water – is it available? YES

Will neighbors be notified regarding changes? YES

What will the buffer between plan & homes? Approximately 300'

Do you see a stop light added? Will be addressed with the City.

What time of day do you anticipate work being done? 7 a.m. to 6 p.m.

Have you approached the city regarding selling the property to them for a park?

We have not discussed it.

What type of trees do you anticipate? Evergreens or Oaks

Neighbors want something to block bldgs.

Trees

Would you be willing to plant trees by the road on the west side of West River Road? We don't own that property.

Can neighbors be involved in the zoning process?

The city will notify you through out the process,

Would you be willing to change to B1 instead of B4? Not sure of differences between two.

What are your timetables?

Takes at least two years site work to be completed.

When do you plan to start zoning changing?

NOW

What about architecture drawing to give neighbors a better idea of your plan?

The current map gives an accurate picture.

Can the neighborhood association have a copy of the map?

YES – given a copy tonight

Meeting adjourned at 8:15 PM

Minutes taken by Jackie Payne